

Clarke County

PLANNING COMMISSION REGULAR MEETING MINUTES 2011 July 1



A regular meeting of the Planning Commission of Clarke County, Virginia, was held at the Town/County Joint Government Center, Berryville, Virginia, on Friday, 2011 July 1.

Chair Ohrstrom called the meeting to order at 9: 05 a.m.

ATTENDANCE

Present: George Ohrstrom, II; Chair; Anne Caldwell, Vice Chair; Scott Kreider, Tom McFillen, Bev McKay, Cliff Nelson, Chip Steinmetz, and Richard Thuss
Absent: Clay Brumback, A.R. Dunning, Jr., and Bob Wade
Staff present: Charles Johnston, AICP, Planning Director; Jesse Russell, Zoning Administrator, and Debbie Bean, Recording Secretary

APPROVAL OF AGENDA

The Commission voted unanimously to approve the agenda.

Yes: Caldwell (seconded), Kreider, McFillen, Nelson (moved), Ohrstrom, Steinmetz, and Thuss

No: No one

Absent: Brumback, Dunning, McKay, and Wade

APPROVAL OF MINUTES

The Commission voted unanimously to approve the briefing meeting minutes of 2011 May 31.

Yes: Caldwell (moved), Kreider, McFillen, Nelson, Ohrstrom, Steinmetz, and Thuss (seconded)

No: No one

Absent: Brumback, Dunning, McKay, and Wade

The Commission voted unanimously to approve the regular meeting minutes of 2011 June 3 with a few minor grammatical corrections.

Yes: Caldwell (moved), Kreider, McFillen, Nelson, Ohrstrom, Steinmetz (seconded), and Thuss

No: No one

Absent: Brumback, Dunning, McKay, and Wade

Commissioner McKay entered the meeting.

MAJOR SUBDIVISION – CONT'D PUBLIC HEARING

H. Robert Showers, Attorney for Salvation Army (Ron Mislowsky, Engineer, PHR&A Agent) requests approval for a 22-lot subdivision for Tax Map Parcels 13-((A))-13 [6 tracts] and 13-((A))-56 located at 642 Westwood Road, Russell Election District, zoned Agricultural Open-Space-Conservation (AOC). S-08-01

Mr. Russell explained this request. He stated that at the June Planning Commission meeting, the Commission voted to continue the public hearing for 90 days in order to provide time for the applicant to finalize the karst plan, submit a consumer disclosure statement and to provide time for the County engineers to finalize their reviews. He said that the applicant has given the go ahead to their engineers to begin work

on a karst plan. He stated that the applicant is revising the subdivision plat/site plan in regard to county engineer comments on Erosion and Sediment and Stormwater Management. He said that staff has contacted the applicant's engineer to add a private access easement exclusivity note on the plat so that it is clear that the proposed easement cannot be extended to join the proposed public road. He stated that the applicant has not provided a Consumer Disclosure Statement, which is required by the County Subdivision Ordinance. He said that staff is still waiting on comments from Chester Engineers regarding the private access easement road design. He stated that staff contacted Chester Engineers on June 23rd to remind them to check if the road design was previously approved and to provide these comments in writing. He stated that his recommendation is to continue the public hearing until the September Planning Commission meeting. After discussion with staff and the Commission, Chair Ohrstrom asked for public comments.

There being no public comments, Chair Ohrstrom called for a motion.

The Commission voted unanimously to continue public hearing until the next meeting of the Planning Commission on 2011 September 2.

Yes: Caldwell (moved), Kreider, McFillen (seconded), McKay, Nelson, Ohrstrom, Steinmetz, and Thuss

No: No one

Absent: Brumback, Dunning and Wade

MAJOR SUBDIVISION – PUBLIC HEARING

Russell Jenkins, III requests approval of a three-lot major subdivision of Tax Map Parcel 33-A-6, located in the 900 block of Morgans Mill Road, zoned Forestal Open-Space Conservation (FOC), Millwood Election District. S-11-01

Mr. Russell explained this request. He distributed revised plats to the Planning Commissioners for their review, which were delivered to the office on Thursday afternoon. He stated that nothing has changed on the plat except for the entrance in order to meet VDOT requirements. He stated that he and Commissioners Caldwell and Wade visited the site.

Russell Jenkins, III, applicant and Jon Erickson, Urban, Ltd, agent, representing the applicant were present to answer questions from the Commission.

Commissioner Caldwell said that at the site she noticed that there is an existing culvert on the opposite side of the driveway and it is running into a natural swale. She asked Mr. Erickson if moving the entrance would require crossing that swale. Mr. Erickson stated that the entrance will head to the east and will not cross the swale. Commissioner Caldwell said there was a tie in a tree and that they assumed that this was the location. Mr. Erickson stated that he had to keep going to the west to keep away from the culvert. He said he proposes to put a culvert in the driveway at a low point with a 24-inch pipe. He stated that he has a meeting scheduled with VDOT to study the site distance they need which is 400 feet. He said that he has shifted the entrance and found 400 feet on each side but wants VDOT to approve that.

Chair Ohrstrom asked Mr. Erickson about the existing dirt road. Mr. Erickson said the dirt road is not passable in a vehicle and that there is a note on the plat stating that it is not a road. He said the plans are to abandon this road.

Chair Ohrstrom asked for public comments, there being none, he called for a motion.

The Commission voted unanimously to approve this request on the following conditions:

1. Note on plat stating the existing dirt road shown is not in easement and hereby abandoned;
2. Deed of Dedication to be revised to correct errors; and
3. Deed of Dedication shall reflect that if Morgan Mill Road is paved that the subdivision entrance shall be paved and paid for by the owners of the subject 4 lots.

Yes: Caldwell, Kreider, McFillen (moved), McKay, Nelson, Ohrstrom, Steinmetz (seconded), and Thuss

No: No one

Absent: Brumback, Dunning and Wade

TEXT AMENDMENT – CONTINUED PUBLIC HEARING

The Clarke Planning Commission will consider the amendment of the County Zoning Ordinance:

Section 3-E-3-e, *Certificates of Appropriateness (in Historic Overlay Districts)*, so as to require the review of changes to the roof or windows of contributing buildings (in addition to changes that require a Building Permit) to be reviewed by the full Historic Preservation Commission instead of the Commission’s Executive Committee. The changes also edit the sections for clarity, establish a time limit for action, and to specifically state that the public hearing notice requirements shall follow the requirements for all other public hearings, as described in Zoning Ordinance section 10-E.

Section 3-E-3-f, *Appeals*, which references Virginia Code Section 15.2306, which allows the demolition of an historic structure if it is offered for “a price reasonably related to its fair market value”, so as to establish a method to define this price. TA-11-03

Mr. Johnston explained this amendment. He stated that at the last Commission meeting, several Commissioners expressed concern about the lack of time limit for the Preservation Commission action and the method for defining “a price reasonably related to its fair market value” for demolition purposes. He stated that the amendment has been revised so as to establish a time limit of 60 days from the first public hearing for Commission action and 30 days from its initial meeting for Executive Committee action. He said the definition of “price” has been revised to state: “Such price shall be not more than 120% of the assessed value of the property as set by the County Commissioner of the Revenue”. After discussion with staff and the Commission, Chair Ohrstrom asked for public comments.

There being no public comments, Chair Ohrstrom called for a motion.

The Commission voted to recommend approval of this text amendment to the Board of Supervisors.

Yes: Caldwell, Kreider, McKay, Nelson, Ohrstrom, Steinmetz (seconded), and Thuss (moved)

No: McFillen

Absent: Brumback, Dunning, and Wade

TEXT AMENDMENT – SET PUBLIC HEARING

The Clarke Planning Commission will consider the amendment of the County Zoning Ordinance:

Sections 3-A-1-a-2, 3-A-2-a-2, 3-A-3-a-2, *Accessory Uses in the AOC, FOC, and Rural Residential Zoning Districts*, so as to allow ‘Structures less than 75 feet high for noncommercial telecommunication antennae’;

Section 3-A-1-a-3 and 3-A-2-a-3, *Special Uses in the AOC and FOC Zoning Districts*, so as to add the adjective ‘commercial’ when describing telecommunication monopoles over 50 feet in height that are currently allowed as a Special Use in these Zoning Districts;

Sections 3-A-1-f and 3-A-2-f, *Vegetated Property Buffer in the AOC and FOC Zoning Districts*, so as to allow structures for noncommercial telecommunication antennae in required Vegetative Property

Buffers provided that vegetation may be cut only within a six foot radius of the structure, but with no land disturbance;

Section 3-C-2, *Supplementary Regulations for Uses in Various Districts*, so as establish standards for 'Structures less than 75 feet high for noncommercial telecommunication antennae';

Section 4-J-6, *Exception process to requirement that off-street parking be located on the same lot as principal use*, so change the entity that could approve such an exception from the Board of Zoning Appeals to the Planning Commission when it reviews a property's site plan;

Section 1, *Authority, Purposes and Intent, Planning Commission, and Zoning Administrator*, and Section 7, *Appeals, Variance and Zoning Map Interpretations*, so as to shift the sections regarding modifications that can be approved by the Zoning Administrator from Section 1 to Section 7; and Section 9-B-106, *Definition of the term 'Livestock'*, so as define livestock as hoofed animals and the order of animals that includes ostriches and emus.

TA-11-05

Mr. Johnston explained this amendment. He stated that after the briefing meeting on Tuesday it was decided by the Commission to split this amendment into two different amendments. The first four items will be one amendment and the last 4 items will be the second amendment.

Mr. Russell gave a brief discussion regarding the first four amendments. He stated that this amendment is in regard to high speed internet. He said there are some residents in the County that would like to have other options to obtain high speed internet.

Chair Ohrstrom questioned the non-commercial wording in the amendment. Mr. Russell explained the difference of commercial versus non-commercial. He said commercial uses such as telecommunication companies engage in business for a profit would require a special use permit. He stated that non-commercial are for those persons erecting a tower for their personal use without seeking a profit. He said that you could get your neighbors involved in getting a tower and 10 of you could go together and have one of these towers put up at a lower cost. Commissioner Caldwell said there are a number of issues that we need to address before moving forward with this amendment. She suggested getting a committee organized to review this amendment. Chair Ohrstrom asked Commissioners Caldwell, McFillen, McKay, and Thuss to be on the committee with Commissioner Thuss as the Chair. The committee agreed to meet on 2011 July 7 at 8:00 a.m. After discussion with the staff and the Commission, Chair Ohrstrom called for a motion.

The Commission voted unanimously to set public hearing on these four items of this text amendment for the next Planning Commission meeting on 2011 September 2.

Yes: Caldwell, Kreider, McFillen (seconded), McKay, Nelson, Ohrstrom, Steinmetz, and Thuss (moved)

No: No one

Absent: Brumback, Dunning and Wade

Mr. Johnston explained the next four items of this amendment. He stated that one of the items is in reference to changing the entity from the Board of Zoning Appeals to the Planning Commission which can grant an exception to the requirement that off-street parking be on the same lot as the principal use. He said the change stipulates that the Commission can do this only as part of a Site Plan review process. He said that another item is making an editorial shift of the provision that allows the Zoning Administrator to make minor modifications to Zoning Ordinance requirements from the section describing the Zoning Administrator to the section describing other forms of appeals, variances and interpretations. He said another change is in the definition of livestock from a list of types animals, some of which are incorrect, to simply hoofed animals plus the order of animals that includes ostriches and emus. After discussion with the staff and the Commission, Chair Ohrstrom called for a motion.

The Commission voted unanimously to set public hearing on these four items of this text amendment for the 2011 September 2 Planning Commission meeting.

Yes: Caldwell (seconded), Kreider, McFillen, McKay, Nelson, Ohrstrom, Steinmetz (moved), and Thuss

No: No one

Absent: Brumback, Dunning and Wade

TEXT AMENDMENT – SET PUBLIC HEARING

The Clarke Planning Commission will consider the amendment of the:

County Zoning Ordinance

Section 6-E, *Procedures for Site Plans*, so as change the number and size of site plans submitted with an initial application and after approval, require the submission of digital copies, and establish standards for such digital submissions; and

County Subdivision Ordinance

Section 4, *Procedures for Preliminary Subdivision Plat Application and Submission of Record Plat*, so as to change the number and size of plats submitted, require the submission of digital copies, and establish standards for such digital submissions.

TA-11-06

Mr. Johnston explained this amendment. He said that the proposed amendments address changing submittal requirements for Site Plans and Subdivisions so as to increase the number of paper copies because of the number of reviewing agencies, but reducing the size of most of these copies for distribution to the Planning Commission. He stated that the amendment also requires submittal of digital copies and establishes specifications for such digital submittal. After discussion with staff and the Commission, Chair Ohrstrom called for a motion.

The Commission voted unanimously to set public hearing for this amendment at the next Planning Commission meeting on 2011 September 2.

Yes: Caldwell (moved), Kreider, McFillen, McKay, Nelson (seconded), Ohrstrom, Steinmetz and Thuss

No: No one

Absent: Brumback, Dunning and Wade

Double Tollgate Area Plan - update – George Ohrstrom, II

Chair Ohrstrom stated that he has not organized a committee for the Double Tollgate Area plan yet. Mr. Johnston stated that Nick Bullinger with CornerStone Power Development LLC called him yesterday regarding submitting a Special Use and Site Plan application for our September meeting.

Board/Committee Reports

Board of Supervisors – Pete Dunning

Mr. Johnston stated that there was nothing to report in regard to the Planning Commission.

Sanitary Authority – Pete Dunning

Nothing to report.

Board of Septic & Well Appeals – Pete Dunning

Nothing to report.

Board of Zoning Appeals – Anne Caldwell

Commissioner Caldwell said there is a public hearing set for 2011 July 5 for an appeal.

Historic Preservation Commission – Cliff Nelson
Commissioner Nelson stated there was a special meeting of the Commission held on 2011 June 14.

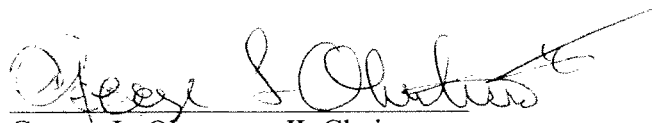
Conservation Easement Authority – George Ohrstrom, II
Commissioner Ohrstrom stated that the Authority has had its fund money cut back.

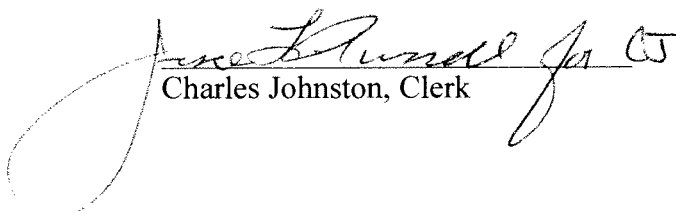
Staff Reports

Natural Resource Activities – Alison Teetor
No report.

Enforcement Officer – Nancy Olin
Ms. Olin's progress reports for 2011 May 31 thru 2011 June 25 were reviewed.

There being no further discussion, the meeting was adjourned at 10:25 a.m. until the next regular meeting of the Commission on 2011 September 2.


George L. Ohrstrom, II, Chair


Charles Johnston, Clerk

Minutes prepared by Debbie Bean, Recording Secretary